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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,383	12/17/2001	Susan T. Tingey	83171CEB	2412

7590 03/09/2009
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EXAMINER

MOHANDESI, JILA M

ART UNIT	PAPER NUMBER
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3728

MAIL DATE	DELIVERY MODE
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03/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SUSAN T. TINGEY,
STEPHEN J. WARREN, DONNA M. CIRELLA,
EUGENE SISTO and JOSEPH A. MANICO

Application No. 10/023,383
Technology Center 3700

Mailed: March 9, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal*.
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 9, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

APPEAL BRIEF, STATUS OF CLAIMS

According to 37 CFR § 41.37(c)(iii) (2005), an Appeal Brief must include the following:

(iii) ***Status of claims.*** A statement of the status of all the claims in the proceeding (*e.g.* rejected, allowed or confirmed, withdrawn, objected to, canceled) and an identification of those claims that are being appealed.

The “Status of Claims” appearing on page 1 of the Appeal Brief filed March 17, 2006 is deficient because it does not contain the status of all the claims. Correction is required.

APPEAL BRIEF, SUMMARY OF CLAIMED SUBJECT MATTER

According to 37 CFR § 41.37(c) (v), an Appeal Brief must include the following:

(v) ***Summary Of Claimed Subject Matter.*** A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters

The “Summary of Claimed Subject Matter” appearing on page 1 of the Appeal Brief filed March 17, 2006 is deficient because it does not

properly map independent claim 1 to the specification. Correction is required.

CONCLUSION

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed March 17, 2006 defective, as required by 37 CFR § 41.37(d);
- 2) to notify Appellants to submit a revised Appeal Brief which corrects the “Status of Claims” and “Summary of Claimed Subject Matter” sections;
- 3) to acknowledge and consider the revised Appeal Brief; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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